

UNIFORM RULES OF COURT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN

Chapter II. Small Claims Rules

Rule 2.1 Small Claims Filings (Effective 7/1/03)

Small claims complaints are filed at the Small Claims Counter. Filings are accepted Monday through Friday, from 8:00 a.m. to 5:00 p.m. The "Statement to Clerk" form will be submitted at the time of filing of the complaint. The clerk of the Court will provide the "Information for Plaintiff" form with instructions for completion. The Clerk of the Court will file stamp the complaint, ascertain the venue and jurisdiction and determine that the plaintiff is not an assignee of the claim. Small Claims cases will be set for trial at the time of filing pursuant to existing statutes but not later than 30 days from the filing date. (Effective 7/1/03)

Rule 2.2 Service of Process (Effective 7/1/03)

The plaintiff may exercise the option of service which includes service by certified mail or personal service. Service by certified mail is performed by the Clerk of the Court. Service of process can also be provided by registered process servers or any person over the age of 18 who is not a party to the action (Code of Civil Procedure Part II, Title V, Jurisdiction and Service of Process). For personal service, it is the responsibility of the plaintiff to provide proof of service. The plaintiff shall not personally serve the Claim and Order. (Effective 7/1/03)

Rule 2.3 Failure to Serve Process (Effective 7/1/03)

Cases in which there is no proof of service filed with the Clerk of the Court at least three (3) calendar days prior to the scheduled court date shall be removed from the court calendar by the Clerk of the Court and dismissed without prejudice. (Effective 7/1/03)

Rule 2.4 Postponements (Effective 7/1/03)

After service, parties may request a single postponement of no longer than fifteen (15) days through a written request and payment of the fee to the Clerk of the Court at least five (5) court days prior to the scheduled trial. The Clerk of the Court will reset the matter and notice the parties. (Effective 7/1/03)

Rule 2.5 Extensions (Effective 7/1/03)

If a plaintiff's claim has not been served, one extension of not greater than thirty (30) days for in-county claims and sixty (60) days for out-of-county claims may be granted by the Clerk of the Court upon the filing of a declaration to show cause. A declaration to show cause shall be filed with the Clerk of the Court

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three (3) court days prior to the scheduled court date. Additional extensions shall only be granted by the Court in exceptional circumstances. (Effective 7/1/03)

Rule 2.6 Trial Proceedings (Effective 7/1/03)

Rule 2.6.1 Setting of Trials (Effective 7/1/03)

When all defendants reside in the County of Kern, trial will be set at not less than ten (10) days nor more than forty (40) days from the filing date. When the defendants reside outside the County of Kern, trial will be set at least thirty (30) days but not more than seventy (70) days from the filing date. Small Claims trials are scheduled pursuant to the courtroom schedule. (Effective 7/1/03)

Rule 2.6.2 Exhibits (Effective 7/1/03)

Documentary evidence to be presented in Court should include a copy for the judge and a copy for each party. (Effective 7/1/03)

Rule 2.6.3 Plaintiff Failure to Appear (Effective 7/1/03)

Plaintiff's failure to appear will result in dismissal of the action. Subsequent failure to appear may result in a dismissal with prejudice. (Effective 7/1/03)

Rule 2.7 Post Trial Proceedings (Effective 7/1/03)

Rule 2.7.1 Judgments (Effective 7/1/03)

Notice of Entry of Judgment and Information after Judgment forms shall be mailed to all parties by the Clerk of the Court. (Effective 7/1/03)

Rule 2.7.2 Setting Aside Default Judgments (Effective 7/1/03)

If a defendant fails to appear for trial and a default judgment is entered, a motion may be made to set aside the judgment. Appropriate legal forms for such motion must be prepared and presented to the court, with fees paid, within thirty (30) days from the date the default judgment is entered. (Effective 7/1/03)

Rule 2.7.3 Enforcement of Judgments (Effective 7/1/03)

The methods available for the enforcement of judgment may include: (Effective 7/1/03)

(a) Order for Examination of Judgment Debtor. (Effective 7/1/03)

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- (b) Write of Execution. (Effective 7/1/03)
- (c) Abstract of Judgment. (Effective 7/1/03)
- (d) Reporting unsatisfied judgment pursuant to California Vehicle Code Division 7, Chapter 2. (Effective 7/1/03)

Rule 2.8 Small Claims Legal Advisor (Effective 7/1/03)

The services of a Small Claims Legal Advisor provided by the office of County Counsel are available for persons seeking legal advice. Please call (661) 868-2532 for the hours the Advisor is available. (Effective 7/1/03)